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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,683	06/11/2001	Limor Schweitzer	XACTP006	4994
28875	7590	01/13/2006	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			MILEF, ELDA G	
			ART UNIT	PAPER NUMBER
			3628	
DATE MAILED: 01/13/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/879,683	<b>Applicant(s)</b> SCHWEITZER, LIMOR	
	<b>Examiner</b> Elda Milef	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/27/2001; 9/23/2002; 11/30/2005</u> | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Information Disclosure Statement***

1. The Information Disclosure statement submitted by the Applicant on July 30, 2001 has been recorded on the PTO form 892.

***Drawings***

2. The drawings are objected to because Figure 4 is illegible. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

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Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4-14, 16-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Egendorf (US Patent No. 5,794,221).

**Re claim 1:** Egendorf discloses:

(a) receiving information utilizing a network, wherein the information includes an Internet Protocol (IP) address of a user and an amount of payment due ("This exchange may include identifying information relating to the customer, such as the customer's Internet address, information relating to the

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products or services to be purchased, including the transaction amount...")-see col. 5, lines 22-25;

(b) identifying an account using at least a portion of the information ("an exchange of transactional information occurs between the customer and the vendor. This exchange may include identifying information relating to the customer such as the customer's Internet address...")-see col. 5, lines 20-26;

(c) administering payment for the payment due by billing against the account ("These agreements provide that the provider will bill the customer for goods and services purchased by them over the Internet. The billing will be done to billing accounts established in connection with the agreements. The billing accounts can be, for example, credit card accounts, telephone accounts, cable television accounts, on-line services accounts, or bank accounts. The accounts need not be with the provider if the provider has a billing agreement in place with the party with whom the account was established.")-see col. 5, lines 1-10.

**Re claim 2:** Egendorf discloses:

wherein a site sends the information in response to the user carrying out a transaction using the site. (" When the customer orders a product or service over the Internet from a vendor, transactional information transmitted between the

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customer and the vendor is also transmitted to the provider.")-  
see Abstract.

**Re claim 4:** Egendorf discloses:

wherein the steps are carried out by a network service  
provider.-see Abstract ("Internet access provider").

**Re claim 5:** Egendorf discloses:

further comprising the steps of identifying user data  
based on the received information, and sending the user  
data to the site.-see col. 5, in particular lines 31-37, and  
Figs. 2 & 3.

**Re claim 6:** Egendorf discloses:

wherein the user data includes shipping  
information. -see col. 4, lines 1-6.

**Re claim 7:** Egendorf discloses:

further comprising the step of requesting permission from  
the user prior to sending the user data to the site.

(" A provider establishes an agreement with a customer, and a  
second agreement with a vendor, wherein the provider agrees with  
the customer and the vendor to bill for products and services  
purchased over the Internet by the customer form the vendor.")-  
see col. 2, lines 11-15, and cols. 2-4.

**Re claim 8:** Egendorf discloses:

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the step of limiting the administration of payment based on a rule. ("Which accounts are used may be specified in the agreements made between the provider and the customer and between the provider and the vendor, or may be specified in the transactional information. If specified in the transactional information, the selection of account can be made by referencing the type of account (e.g., "VISA", "phone bill"), or the position of that account on a predetermined list (e.g., "the 3rd account"), and does not require that any actual account numbers be transmitted.")-see col. 2, lines 29-37.

**Re claim 9:** Egendorf discloses:

further comprising the step of collecting a fee from the site. ("The provider then bills the transaction amount to the customer and remits a portion of the transaction amount to the vendor, keeping the differential as a fee for providing the service")-see Abstract, and col. 4, lines 18-22.

**Re claim 10:** Egendorf discloses:

wherein the fee is a percentage of the payment due.-see col. 4, lines 18-22 and Abstract.

**Re claim 11:** Egendorf discloses:

wherein the account is a debit account.-see col. 2, lines 58-65, col. 3, lines 42-47.

**Re claim 12:** Egendorf discloses:

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wherein the steps are carried out by a financial institution offering credit with credit cards in conjunction with a network service provider. ("Provider 2 can then send verifying information to one or both of the customer and vendor to indicate that the transaction has been approved, if approval of a third party, such as a credit card company, is required.")- see col. 5, lines 36-39.

**Re claims 13-14, 16-24:** Further a computer program product would have been necessary to perform the method of previously rejected claims 1-2, 4-12 and are therefore rejected using the same art and rationale.

**Re claim 25:** Further a system would have been necessary to perform the method of previously rejected claim 1 and is therefore rejected using the same art and rationale.

**Re claim 26:** Egendorf discloses:

(a)providing a link to a site on a network where a business transaction is occurring ("The provider cerates access to the internet for the customer through the provider's equipment")-see col. 2, lines 19-21,col. 5, lines 11-16;

(b) receiving information from the site at a third party location during the transaction, wherein the information includes an Internet Protocol (IP) address of a user and an amount of payment due (" In step 14, the transactional



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information is obtained by provider 2. The communication can be a separate transmission by the vendor or the customer to provider 2, or provider 2 can extract the information from the exchange of information taking place between the customer and the vendor through equipment of provider 2. Provider 2 can then send verifying information to one or both of the customer and vendor to indicate that the transaction has been approved, if approval of a third party, such as credit card company, is required. Most importantly, the entire transaction takes place without the need of communicating the customer's credit card or other account number over the Internet 1.")-see col. 5, lines 30-42;

(c) identifying an account using at least a portion of the information ("This exchange may include identifying information relating to the customer, such as the customer's Internet address, information relating to the products or services to be purchased, including the transaction amount...")-see col. 5, lines 22-25;

(d) identifying whether any rules are associated with the account ("A provider establishes an agreement with a customer, and a second agreement with a vendor, wherein the provider agrees with the customer and the vendor to bill for products and services purchased over the Internet by the customer from the

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vendor. Associated with the customer agreement are one or more billing accounts which purchases may be charged.")-see col. 2, lines 12-17 and ("The billing will be done to billing accounts established in connection with the agreements")-see col. 5, lines 3-5;

(e) conditionally administering payment for the payment due by billing against the account in accordance with any identified rules ("The billing will be done to billing accounts established in connection with the agreements")-see col. 5, lines 3-5, and col. 2;

(f) identifying shipping information based on the received information ("If the vendor wishes, the vendor may verify with the provider that the address supplied by the customer for shipment of the goods...")-see col. 4, lines 1-10;

(g) sending the shipping information to the site ("the vendor may verify with the provider that the address supplied by the customer for shipment...has been authorized")-see col. 4, lines 1-10;

(h) receiving compensation from the site ("the provider charges the transaction amount to the agreed account of the customer and remits the agreed portion of the amount to the vendor, keeping the differential as the provider's charge for making the service available.")-see col. 4, lines 18-22.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Egendorf in view of Stewart (Stewart, John. *Connecting with Confidence*. Web Techniques. San Francisco: Apr 2000. Vol. 5, Iss. 4; pg. 84, 4 pgs.

**Re claim 3:** Although Egendorf refers to identifying information relating to a customer such as an internet address - see col. 5, lines 22-23, Egendorf does not specifically disclose wherein the information further includes port numbers.

It is well known in the art as evidenced by Stewart, that port numbers are a way to identify a specific process to which an internet message is to be forwarded when it arrives at a server. ("The rules are simple: Control which machines (using IP addresses) can talk to one another on what services [using

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network port numbers].")-see p. 3, para. 2. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include identifying a transaction by using a port number, as was taught by Stewart in order to control the transfer of information over the Internet.

**Re claim 15:** Further a computer program would have been necessary to perform the method of previously rejected claim 3 and is therefore rejected using the same art and rationale.

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wilf (US Patent No. 5,899,980)-cited for a retail method over a wide are network.

Bezos (US Patent No. 5,727,163)-cited for a secure method for communicating credit card data when placing an order on a non-secure network.

Colvin, Sr. (US Patent No. 5,825,881)-cited for a system for conducting commerce over a large public network such as the Internet. The system facilitates communications between a merchant, a customer, and a bank or credit card processor.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elda Milef whose telephone number is (571)272-8124. The examiner can normally be reached on Monday - Friday 9:15 am to 5:45 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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HYUNG SOUGH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600